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General quarrels with CBS lawyer

NEW YORK (AP)—Retired Gen. William C. Westmoreland testified yesterday he "didn't want to be bothered" with a dispute over enemy strength as the Vietnam War approached one of its crucial turning points.

On a day marked by frequent sharp exchanges between Gen. Westmoreland and CBS attorney David Boies, the general alternately asserted that his intelligence officers were in charge of such matters or that he was forced to step in because the intelligence staff was too inclined to overestimate the enemy.

Gen. Westmoreland is suing CBS for \$120 million, claiming he was libeled by the 1982 documentary, "The Uncounted Enemy: A Vietnam Deception." The program asserted that Gen. Westmoreland, who commanded U.S. forces in Vietnam from 1964 to 1968, suppressed reports that enemy strength was increasing in an effort to make it appear that his own troops were winning the war.

Mr. Boies noted testimony earlier in the trial by Gen. Phillip Davidson, Gen. Westmoreland's intelligence chief, who said that his refusal to count those units was a "command decision" that could be

changed only by Gen. Westmoreland.

"My instructions to Gen. Davidson were to work it out with the intelligence community," Gen. Westmoreland replied. "I didn't want to be bothered."

In that case, however, Gen. Westmoreland said he delayed transmission of a cable reporting the new figures to superiors until he received a full briefing and until his intelligence staff separated what he has described as "the fighters from the non-fighters."

Mr. Boies asked if there was a contradiction between his delay of the cable and the latitude he later gave Gen. Davidson.

"You've got this completely distorted," the general told Mr. Boies. "Intelligence sources tend to be myopic. They get brownie points for finding more enemy. They hedge their bets."

"A commander has to exercise some judgment and occasionally has to restrain his intelligence officers."